WORKING PAPER

Multi-level governance of climate change in Belgium

Modest subnational policies in a complex setting

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1 | Introduction

This paper is dedicated to multi-level climate governance in Belgium. It focuses on the policies of the subnational governments and the patterns of coordination with national and supranational bodies. The aim is to verify whether the subnational governments serve as laboratories of experimentation and bottom-up innovation, a role that could be expected of them because of their extensive policy-making autonomy in many areas important to climate change. Moreover, the policies and multi-level interactions are explained on the basis of institutional and political factors.

The analysis will show that the Belgian subnational governments do not act as laboratories of experimentation. Two main dynamics are responsible for that. On the one hand, climate change touches upon political sensitivities. The cooperative mechanisms that are built within the multi-level architecture can therefore be hijacked by ideological differences. On the other hand, the policy-making opportunities of federalism are constrained by the low ambitions on climate change of political actors at all levels, and the system at the same time allows them to maintain those low ambitions. As a consequence, it is argued that the complexities of the Belgian system favour status quo policies for climate change, which makes this analysis a crucial case in the multi-level governance of climate change.

The next section outlines the main characteristics of the federal architecture that defines multi-level governance in Belgium. Then, after explaining how climate change efforts are divided within Belgium, the paper turns to the analysis of the climate policies of the subnational governments. Subsequently, the risks of policy failures of the Belgian system are explained, and the paper casts a glance at the near future of climate governance in the country. The final section lays out the main conclusions. The analysis is supported by previous research, secondary literature and a limited series of interviews with policy officials. The research was conducted early 2012, but the empirical data of the paper was updated mid-2013.[1]

1 This paper was prepared for the Thematic Workshop of the Indian-European Multilevel Climate Governance Research Network, 20-22 November 2013, at Kolkata. It builds on earlier research documented by Happaerts, Schunz and Bruyninckx (2012), who focused especially on intergovernmental relations for climate change. The interviews were held with three policy officials in Flanders and two policy officials in Wallonia.

2 | Belgian federalism: extensive policy-making autonomy for subnational governments

This section gives an overview of Belgian federalism and the distribution of competences, with the aim of clarifying the role of the subnational level in multi-level climate governance. It also describes three main characteristics of the Belgian system that are necessary to understand Belgian climate politics. Those are the principles of dual federalism on which the system is built, the inherent need for cooperation, and the politicised relations. The section describes the situation before 2012, when a new state reform was scheduled to be negotiated (see below).

Belgium officially became a federal state in 1993, through a gradual series of reforms. Instigated by the ethno-linguistic cleavage between Flemings and Francophones, it is built on a complex architecture that has two types of subnational governments (or 'federated entities'): three Regions (Flanders, Wallonia and Brussels) and three Communities (Flemish, French and German-speaking). The Regions have competences in 'territorial' matters such as environment, spatial planning, agriculture, industry, foreign trade, energy policy, transport or infrastructure. The Communities have competences in 'personal' matters such as education, culture, health or sports (Swenden *et al.,* 2006: 865-868). At the Flemish side, the Regional and the Community competences are jointly managed by a single Flemish government. Figure 1 depicts the two types of subnational governments in Belgium, and where they overlap.

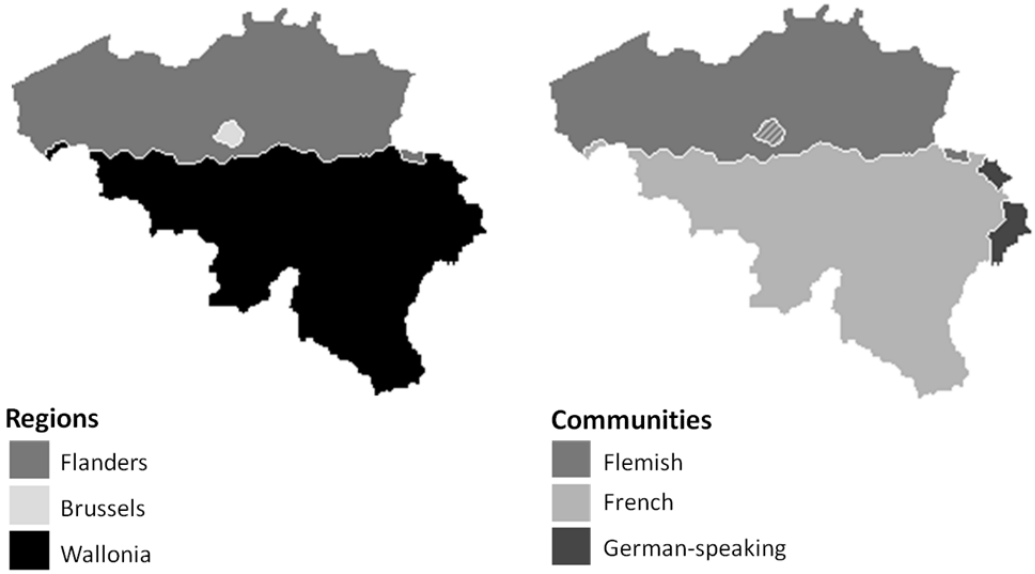

Figure 1 **Belgian subnational governments**

The focus in this paper is on the Regions, as the Communities do not hold many competences that are relevant for climate change, and consequently do not conduct climate policies. The federal government, whose competences are mainly situated in the areas of justice and home affairs, defence,

social security and taxation (Swenden & Jans, 2006: 885), has only limited responsibilities for climate change. In Belgium, therefore, there is no doubt that the Regions matter for climate governance, and that they control the main powers that are needed to conduct climate policies. For that reason, the Belgian Regions are often regarded jealously by their European peers.

The Belgian system is built on principles of 'dual' federalism. That means that competences are divided in such a way that each level has a distinct set of responsibilities and can operate (semi-) autonomously from the other (Beyers & Bursens, 2006a: 36-37). It distinguishes Belgium from systems of 'cooperative' federalism such as Germany. Three of the dual principles, moreover, make the Belgian system overall rather unique. Firstly, competences in Belgium are divided on a strictly exclusive basis, meaning that all aspects (*i.e.* legislative and executive) of each competence can only pertain to one level of government. That principle was introduced to avoid as much as possible that Flemish and Francophone politicians would have to take decisions together (Swenden & Jans, 2006: 886). Secondly, the exclusivity of competences extends to Belgium's foreign policy. The *in foro interno, in foro externo* principle prescribes that the subnational governments can conduct an external policy for those policy issues that lie within their competences. That implies that they can include representatives in national delegations for international negotiations and that they can 'speak' at the international level (Van den Brande *et al.,* 2011: 73). For instance, for certain matters that relate to subnational competences, subnational ministers represent Belgium in the European Union (EU) Council of Ministers (*e.g.* Industry, Environment, Fisheries). A concrete illustration of that is the fact that, during the Belgian EU Presidency in 2010, the Flemish Environment Minister presided the Environment Council and led the EU delegation at the Conference of the Parties (COP) of the UN Framework Convention on Climate Change (UNFCCC) in Cancún. The principle also implies that the federal government can only speak for Belgium when strictly federal competences are at stake. A third principle that distinguishes Belgium from most other federations, is the principle of no hierarchy between federal and subnational laws (Swenden, 2006: 54). That implies that the federal government cannot impose anything on the subnational governments, and the latter cannot be bound by federal legislation, unlike in many other federal states. Everything that transcends one level of government - and that could thus be considered as 'national' - requires a consensus among the federal and all the subnational governments. Coordination on climate policy in Belgium is therefore always negotiated and never hierarchical. Negotiations to come to a consensus take place among equal partners.

However, while the system is built on those dual principles, multi-level governance in Belgium (not unlike other systems) in practice relies on a high degree of cooperation. That has two reasons. A first reason is that, although competences are divided on a strictly exclusive basis, the division happened in a very fragmented way within policy domains. Some examples elucidate that fragmentation. For environmental policy, the Regions are largely competent, but the federal government retains minor responsibilities such as product standardisation. Regarding energy, the Regions have the competence over renewable energy policy and rational energy use, but the federal government controls nuclear energy and off-shore wind energy. As for transport policy, issues such as road transport, seaports, regional airports and public transport are subnational competences, but rail transport and the national airport are federal responsibilities (FOD VVVL, 2008). If the successive constitutional reforms had the intended result of neatly dividing all powers in order for both levels to operate in complete autonomy, they should thus be considered a failure, because there are no fully coherent competence packages in any domain. In addition, the federal government retains the control over taxation, a policy instrument that is important for all policies (Swenden & Jans, 2006: 885).

The second reason why the Belgian system relies on cooperation, is because all decisions that transcend single competences (which is thus the case in many domains) require the approval of all involved governments. As a consequence, a plethora of cooperation mechanisms was created, all functioning on the basis of unanimity. The most typical instruments are the so-called 'cooperation

agreements' that are concluded between the federal and the subnational governments (or among subnational governments), on any topic considered relevant. They allow the governments to develop common policies or to jointly exercise their competences in a certain domain (Jans & Tombeur, 2000: 148). Several hundreds of such cooperation agreements have been concluded. Among the other instruments of intergovernmental relations, the Deliberation Committee is the most formal one (Reuchamps & Onclin, 2009: 33). It is composed of the Prime Minister, five federal ministers and six subnational ministers (with a perfect equilibrium of Flemish and Francophone representatives). When an issue is brought to the Deliberation Committee, the members have to find a solution within 60 days. It is the 'compromise-building measure of last resort' (Swenden & Jans 2006: 887), only used in the most pressing situations when all other mechanisms have failed to settle a dispute. That is also why it is rarely used. Much more important in day-to-day politics are the interministerial conferences. Since 1992, those conferences bring together federal and subnational ministers of a certain policy area (*e.g.* Environment, Agriculture, Health). Eighteen interministerial conferences are currently operational (FOD Kanselarij, 2008). Each conference encloses a number of lower-level working groups for coordination on concrete policy issues, including on the international aspects of those issues (see Happaerts *et al.*, 2012; Van den Brande, 2012a).

What characterises intergovernmental cooperation in Belgium, is the fact that no government can ever be forced to participate in intergovernmental negotiations, which is a consequence of the principle of no hierarchy. That means that persuasion and voluntary cooperation are the only leverage for intergovernmental relations (Jans & Tombeur, 2000: 144). In line with the expectations of multi-level governance, however, cooperation is very often triggered by external requirements, such as European or global commitments (Beyers & Bursens, 2006b: 1058). Those are the number one argument to bring the different levels of government around the same table, and climate change is a good illustration of that (see below). The reason is that many of the policy domains for which the subnational governments have important competences are domains in which the EU has a large responsibility as well (*e.g.* environment or agriculture) (Beyers & Bursens, 2006b: 1063). The 'Europeanisation' of policy domains thus brings along a Europeanisation of intergovernmental cooperation in Belgium. In many cases, cooperation mechanisms are created in a first instance because the EU requires the output of a certain report or the adoption of a certain position. An intervening factor in the Europeanisation of intergovernmental cooperation is that the EU has traditionally had a high normative authority in Belgium, meaning that what the EU says or does is rarely criticised by Belgian politicians. It is even stated that politicians agree more easily on EU requirements than that they rely on intra-Belgian negotiations (Happaerts, 2011: 135). This observation, however, increasingly needs to be nuanced since the outbreak of the European sovereign debt crisis.[2]

A final characteristic of the Belgian system that is relevant in the context of this paper, is the politicised character of the multi-level interactions. Belgian federalism is executive (Swenden & Jans, 2006: 886), which means that intergovernmental relations are controlled by elected officials of both levels of government - rather than by parliaments, as is the case in several other multi-level states (Skogstad, 2000: 57). That is important, because Belgium is a highly politicised country (Niestroy, 2005: 86). All major decisions are taken by political officials, at the expense of the administration. The country is often labelled a 'particracy' (Peters, 2006: 1081), because policy and decision-making are monopolised by the political parties. Ministerial cabinets, composed of the personal advisors of each federal and subnational minister, are traditionally the main actors in Belgian policy-making (Brans *et al.*, 2005: 218), and they are omnipresent in all cooperation mechanisms. The political parties are organised on a linguistic basis. In Belgian politics, therefore, there are no

2 The current European sovereign debt crisis has triggered a debate among Belgian political parties on how stringent EU recommendations actually are, for instance in the context of the European semester. Moreover, it stimulated a new wave of 'euroskepticism' within the EU, also in Belgium.

nation-wide parties, but only Flemish or Francophone parties, which each cater to their own electorate only. The formation of coalitions for subnational governments is therefore much more straightforward than for a federal government, which is always an amalgam of two party systems. The politicised character of the relations facilitated policy coherence and intergovernmental cooperation until 2004, when the federal government and all subnational governments were controlled by the same coalitions. Intergovernmental relations were then to a large degree 'intra-party' relations (Swenden & Jans, 2006: 887). When tensions did arise, the threat of political instability at one level of government was the common tool used by political parties to obtain a consensus at the other level. Yet after the subnational elections in 2004, coalitions were installed at the subnational level that for the first time did not mirror the ruling federal coalition. Since then, several political parties have been in power at one level of government, while being in opposition at the other level. Parties in that situation are less willing to 'save' the stability of a government of which they form no part. That political incongruence gravely complicates the resolution of intergovernmental conflicts or policy coherence among different governments (Swenden & Jans 2006: 887).

3 | Sharing burdens and targets within Belgium

The design of climate policies in Belgium basically started with the intergovernmental negotiations on the division of Belgium's Kyoto targets. Before the climate policies of the Belgian subnational governments can be discussed, it must therefore be explained how the burdens of climate mitigation are shared within the country. The issue is a clear illustration of the multi-level character of climate governance, and of the Europeanisation of intergovernmental cooperation in Belgium.

Because of the exclusivity of competences, Belgium does not have a national climate policy. Rather, the federal government and the three Regions should each conduct their own climate policies within the realm of their respective competences. The necessity of dividing the Kyoto targets within Belgium was due to the fact that the Regions are competent for industry, and were thus responsible for the allocation of greenhouse gas (GHG) emission allowances to companies under the European Emissions Trading System (ETS).[3] At the global level, the EU committed to an 8% reduction of GHG emissions compared to 1990 levels in the 1997 Kyoto Protocol, of which the first commitment period ran from 2008 to 2012. Within the EU, a burden sharing agreement was subsequently negotiated in 1998 and formalised in 2002 (Council of the EU, 2002), assigning Belgium a reduction obligation of 7.5%. That national target thus needed to be divided among the Belgian governments.

The talks took a long time to get started, as after the conclusion of the EU burden sharing agreement the Belgian governments first invested much energy in setting up the right intergovernmental cooperation mechanisms (see Happaerts *et al.,* 2012). The negotiations for an intra-Belgian burden sharing agreement took place within *ad hoc* administrative and inter-cabinet working groups, and eventually within the Interministerial Conference on the Environment. The approach used in the talks has been characterised as a 'best of both worlds' scenario (Bollen *et al.,* 2006: 165), meaning that each Region would advance the target it wanted to commit to, and that the federal government would support reductions with policy measures related to its competences and by applying flexible mechanisms.[4] However, the governments did not agree on a common position, *inter alia* because of the upcoming 2003 federal elections, and the matter was referred to the Deliberation Committee. Prime Minister Verhofstadt finally announced an agreement in March 2004 (FOD VVVL, 2009). Flanders committed to a reduction of 5.2%, Wallonia pledged to reduce 7.5% and Brussels could increase its emissions by 3.475%. The individual targets are shown in Table 1.

3 The ETS is the EU's system of emissions trading that allocated allowances for GHG emissions to industrial installations in the member states, based on a 'cap and trade' principle (European Commission, 2010).

4 The Kyoto Protocol had at its heart three 'flexible mechanisms': emissions trading (*e.g.* the EU ETS), Joint Implementation (JI), which allowed industrialised, so-called Annex I countries to offset emissions in other Annex I countries in exchange for carbon credits, and the Clean Development Mechanism (CDM), which foresaw the possibility of Annex I countries to invest in low-carbon projects in non-Annex I countries in exchange for credits counting toward the fulfilment of their Kyoto target.

Table 1 Intra-Belgian burden sharing (Mt = megaton of CO_2-equivalents)

	Kyoto target 2008-2012 (base year: 1990) All sectors	EU 20-20-20 targets 2013-2020 (base year: 2005) Non-ETS sectors
European Union	-8%	-10%
Belgium	-7.5%	-15%
Flanders	-5.2%	?
Wallonia	-7.5%	?
Brussels	+3.475%	?
Federal government	-2.4 Mt/year via flexible mechanisms -4.8 Mt/year via policy measures	?

The targets are a reflection of the positions of the different governments. The Flemish government always insisted that more reductions should be made in those Regions where they would be most efficient. Flanders pointed towards its own energy-intensive industry, suggesting that reductions would be economically more efficient in Wallonia (Ministerie van de Vlaamse Gemeenschap, 2003: 177). Wallonia had relatively high emissions in 1990 - the base year of the Kyoto Protocol - when the heavy coal industry was still operational, and had actually reduced its emissions by the end of the decade because of the decline of those industrial activities (Van Hecke & Zgajewski, 2008: 8). Wallonia, however, continuously urged for identical targets for each Region (Bollen *et al.,* 2006: 165). Also Brussels kept a firm stance, insisting that it would be economically inefficient for it to reduce emissions. However, according to Van Hecke and Zgajewski (2008: 26), its eventual permission to slightly increase its emissions with regard to 1990 shows the relative insignificance of the emissions in the small and de-industrialised capital Region. As the sum of the three Regions' proposed targets did not result in the 7.5% Belgian target, the federal government committed to implement supporting measures that would reduce 4.8 Mt of CO_2-equivalents per year, and to the purchase of carbon credits equivalent to 2.46 Mt per year through flexible mechanisms (Bollen *et al.,* 2006: 166). A driver for those measures at the federal level was the Green party. Forming part of the government coalitions at the time, both the Flemish and the Francophone Greens insisted that the federal government would invest in climate change too, although most competences are controlled by the Regions. On the other hand, the burden sharing agreement represents a typically Belgian compromise, where the federal government literally 'pays the bill' when the Regions' commitments do not suffice.

With the end of Kyoto's first commitment period approaching, negotiations have been started on a second intra-Belgian burden sharing agreement. That was the consequence of the EU's climate and energy package, agreed in December 2008 (the so-called '20-20-20' targets).[5] Under that agreement and the subsequent internal 'effort sharing' deal concluded within the EU, Belgium needs to reduce its GHG emissions in the so-called non-ETS sectors by 15% by 2020 in relation to 2005 levels (see Table 1).[6] Initial talks were held with regard to various alternative distribution scenarios (Henry & Gouzée, 2009), leading to a report that identified a small selection of options. The negotiations were then referred to an inter-cabinet working group, so that political officials could decide on which scenario to use. However, the issue was completely frozen after the June 2010 federal elections, which triggered an 18-month long political stalemate in Belgium until a new federal

5 By 2020, the EU aims to reduce GHG emissions by 20% (by 30% if a global agreement including comparable targets for other industrialised countries is reached), to reduce energy consumption by 20% and to achieve 20% of renewable energy (European Council 2007).

6 As from the period 2013-2020, the emissions in the sectors falling under the ETS will be assigned at the European level and do not require national allocation anymore. Their reduction target for 2012 is 21% compared to 2005 levels. The emissions not covered by the ETS - in essence those stemming from agriculture, transport, buildings and energy - were subject to a new internal deal on 'effort sharing' to divide the 10% target compared to 2005 levels. The two targets combined should achieve an overall 20% reduction of GHG emission in the EU in relation to 1990 levels.

coalition was finally installed in December 2011. The principle of no hierarchy and the need to reach a consensus make that no intergovernmental relations can take place as long as one of the actors is absent. As the negotiations for the new burden sharing agreement concern non-ETS sectors (agriculture, transport, buildings and energy), the object of bargaining is now totally different in comparison to the first agreement. Two main issues are likely to dominate the talks. First, in contrast to the previous burden sharing negotiations, the political landscape is now characterised by incongruent government coalitions. Party political preferences are therefore likely to oppose certain positions. In Flanders, for instance, the Environment portfolio is held by the Christian Democrats, who have not promoted ambitious climate goals so far. But in the Walloon government, the Green party has been urging for more ambitious targets (see below). A second thorny issue is the role of the federal government in a post-2012 agreement. The deals that have been concluded as part of the long federal government formation include the transfer of certain competences (see below), which suggests that the federal government is unlikely to play any role of significance with regard to climate governance anymore.

The negotiations on an intra-Belgian burden sharing agreement reflect how intergovernmental relations and climate policy-making are both inherently Europeanised. But the discussion also uncovers a general lack of ambition to take proactive action on climate change. It appears that the efforts of the Belgian governments are purely triggered by international commitments, and that *de facto* nothing would happen without them.

4 | The efforts of the regions: different policies, low ambitions

The paper now turns to the analysis of the subnational climate policies.[7] I first describe the policies of Flanders, Wallonia and Brussels separately. Afterwards, some horizontal trends are uncovered.

4.1 Flanders

In Flanders, climate policy has been the object of a specific planning process since 2002, when the first Flemish Climate Policy Plan was issued (Ministerie van de Vlaamse Gemeenschap, 2003). The plan was above all meant to institutionalise climate policy in Flanders and to lay the first foundations for future policy measures, when the Flemish commitments under the Kyoto Protocol would become clear. But the plan also advanced a first target for Flanders, *i.e.* to stabilise GHG emissions to 1990 levels by 2005. While the plan was criticised to entail no further ambitions (De Mulder, 2005), the stabilisation target was not reached, partly because of the low involvement by sectoral ministers.

The second Flemish Climate Policy Plan that was issued in 2006, was more comprehensive than the first (Vlaamse Overheid, 2006). Now clearly designed to reach the Flemish reduction target that was decided in 2004, the plan focused especially on measures in renewable energy, agriculture and forestry, on rational energy use in buildings, and on stimulating measures for the transport sector. It also stipulated that about 20% of the efforts should be reached through the use of flexible mechanisms.[8]

When the end of Kyoto's first commitment period was approaching, it was not entirely clear whether the Flemish reduction target of 5.2% would be reached. While emissions in the ETS sectors are clearly below the allowed level (due to the efforts of the industry but also as a consequence of the economic crisis), the non-ETS sectors display a reduction gap, because of the continuous increase of emissions from transport and buildings (Vlaamse Overheid, 2011: 7).[9] Precisely those non-ETS sectors form the object of the third Flemish Climate Policy Plan. Guided by the negotiations in the international climate regime, the new plan is divided into a mitigation and an adaptation plan. The mitigation plan needed another approach than the general one followed in the previous plan, as the EU now imposes a yearly reduction target, which is different than having only a single mid-term target. Because of those targets, reduction strategies for each of the non-ETS sectors are needed. A major problem is that Flanders and the other Regions, anno 2013, are still uncertain about their specific reduction targets. That is due to the fact that the intergovernmental negotiations have still not reached an agreement on the intra-Belgian division of the EU's effort sharing deal (see above). One of the main critiques that stakeholders continuously utter with regard to the Flemish climate policy, is precisely its lack of a long-term vision (Minaraad, 2009; SERV &

7 The focus is on the policy plans and strategies that aim specifically at reducing GHG emissions. In addition to the policies discussed here, the Belgian Regions also conduct (renewable) energy policies that are relevant in the context of climate change mitigation.

8 In 2011, the Belgian Court of Audit evaluated the Flemish policy with regard to those flexible mechanisms as being very inefficient and characterised by a wait-and-see attitude (Rekenhof, 2011).

9 A final assessment can only be made early 2014, when the emission data of 2012 will be known. At the time of writing, the Flemish government estimates that, after the implementation of the domestic measures, a reduction gap of about 19 Mt will remain (Vlaamse Overheid, 2011). In order to reach the Kyoto target, that gap will thus have to be filled through the purchase of credits, which will significantly increase the total share of flexible mechanisms in the Flemish climate policy.

Minaraad, 2009). Flanders finally decided to adopt a provisional target of 15% for 2020 (compared to 2005 levels) (LNE, 2012; Vlaamse Overheid, 2013), but the uncertainty caused a serious delay of the policy formulation process.

Much like the previous plan, the use of flexible mechanisms is advanced as an indispensable element of the Flemish climate policy. Differences with the previous period concern mostly the implementation and the financing. This time, the implementation accords a major role to the other sectoral ministers too. That is necessary to guide the reduction strategies of each of the non-ETS sectors. The new plan, however, proposes few new measures to mitigate reduction in those sectors, but relies mainly on existing policies and on intentions for new measures that have not been approved yet by the Flemish government. As for the financing of the new plan, the government conceived a new form of central funding, the Flemish Climate Fund, that is fed by the sales of emission rights to industrial installations and aviation companies. But the repartition of the proceeds of those sales, which is a national affair, is still subject to intergovernmental negotiations.

4.2 Wallonia

The Walloon government issued its first Climate Change Action Plan in 2001, offering mainly an analysis of the current situation in the Region (Ministère de la Région wallonne, 2001). In 2007, the more comprehensive Air-Climate Plan was made (Ministère de la Région wallonne, 2008), which was presented as one of the main environmental achievements of the coalition at that time. The Plan targeted a variety of domains, such as transport, energy, agriculture, forests, waste and spatial planning, but only a limited part of the actions it proposed was aimed at reducing GHG emissions, while the others concerned other issues of air quality. The government also committed to the use of flexible mechanisms, through participation in an international carbon fund, but only for a very limited amount. In any case, Wallonia will by far exceed the efforts it has to make under its Kyoto target, since in 2010 it already reduced its emissions by 21.4% (Wallonie, 2012b), partly due to the economic crisis.

The 2009 subnational elections shook up the Walloon political landscape with a remarkable victory for the Walloon Green party, who entered the government coalition with the Socialists and the Christian Democrats (see Happaerts, 2012). As the Greens' election campaign focused on the 'green economy' as a solution to the economic crisis, the party used its strong bargaining position to introduce ambitious goals on climate change and sustainable development in the coalition agreement. Consequently, that agreement states that Wallonia aims for a strategy to reduce GHG emissions by 30% in 2020 and by 80 to 95% in 2050 (Parlement wallon, 2009: 60). The government commissioned a study that maps out possible scenarios to achieve the 2050 goals (Wallonie, 2011). With the study - entitled 'Roadmap towards a low-carbon Wallonia' - Wallonia refers to the EU's Roadmap for moving to a competitive low carbon economy in 2050 (European Commission, 2011), and congratulates itself for being the first European subnational government to take such an initiative.

As promised by the coalition agreement (Parlement wallon, 2009: 60), the Parliament adopted the first Walloon Climate Law by the end of 2012 (Wallonie, 2012a). In the absence of a final intra-Belgian burden-sharing agreement, the law codified the targets that the coalition agreement committed to. Wallonia is now legally required to reduce its GHG emissions by 30% in 2020 and by 80 to 95% in 2050, compared to 1990 levels. The method to do so is inspired by the 'carbon budgets' of the UK's 2008 Climate Change Act. Between 2013 and 2050, five-yearly carbon allowances will be fixed and distributed between sectors (industry, agriculture, services, households, *etc.*). Each five-year period, a climate plan should adopt specific policy measures to achieve the reductions. While the Law already determined the budgets for the periods 2013-2017 and 2018-2022, the policy plan - entitled Air-Climate-Energy Plan - will be released for public consultations in September 2013 (IEW, 2013).

The level of Wallonia's ambitions can only be assessed against the specific policy measures that are imposed on each sector. The legal basis for Wallonia's reduction targets, which perfectly reflect the EU's objectives (see footnote 5), is certainly commendable. However, observers point out that the 2020 target is hardly ambitious, because Wallonia was already set to achieve a 24% reduction in a business-as-usual scenario (IEW, 2013). The novelty therefore lies in the adoption of a long-term target and the specific policy strategies that are still to be defined.

4.3 Brussels

Brussels's first and still only climate policy plan was issued in 2002, immediately after the Johannesburg Summit. As in the case of Wallonia, the plan jointly addresses climate change and air quality (Brussels Hoofdstedelijk Gewest, 2002). Yet that combination makes much sense in Brussels, since most of its atmospheric pollutants are also the main sources of GHG emissions (Van Hecke & Zgajewski, 2008: 27). Most sectoral measures are situated in the areas of transport and rational energy use. 30% of the effort should happen through the use of flexible mechanisms (via an international carbon fund) (Van Hecke & Zgajewski, 2008: 28). The government frequently emphasizes the special situation of the Region as Belgium's capital, where the industry is already in decline and where much of the pollution is actually 'imported' from Flanders and Wallonia, or linked to commuters who work in Brussels but live outside of it. Those concerns partly explain why the plan is very little ambitious.

In transnational forums, however, Brussels does display significant climate ambitions. For instance, the Region adhered to the Covenant of Mayors, a European initiative through which local governments pledge to achieve and exceed the EU's climate and energy goals for 2020 (Brussels Hoofdstedelijk Gewest, 2009b; Covenant of Mayors, 2012).

Also Brussels is in the process of formulating a new plan (see Brussels Hoofdstedelijk Gewest, 2009a). That is long overdue, since the Air-Climate Plan only covered the period between 2002 and 2010. The priority themes have already been fixed, and largely correspond with the non-ETS-sectors.[10] While no specific goals have yet been made public, Brussels estimates to achieve an emission reduction of 10 to 15% by 2020. That ambition is starkly below Brussels's pledges in the context of the Covenant of Mayors.

4.4 Horizontal findings

After the analysis of the three Regions' climate policies, three observations are brought to the attention. They refer to the large policy-making autonomy, the lack of ambitious goals and the deficiency of a long-term vision.

Policy planning for climate change started around 2001 and 2002 in the three Regions. Several factors contributed to that, such as the presence of the Green party in all government coalitions at that time, and the fact that Belgium held the EU Presidency in 2001, when the ratification of the Kyoto Protocol and the preparation of the Johannesburg Summit figured high on the political agenda. But despite the common timing, differences are observed with respect to the framing of the issue (together with air quality or not) and to the instruments that are applied (*e.g.* the use of flexible mechanisms). The possibility of such widely diverging subnational policies is a consequence of the absolute policy-making autonomy that Belgian federalism grants to the subnational governments. It does not, however, make coordination any easier and it does not facilitate policy coherence. For instance, it has been found that the multiplicity of different policies and procedures with regard to flexible mechanisms that apply in Belgium is very unattractive to investors (Conix, 2009: 70).

10 The nine priority themes are building; urban and spatial planning; transport; the government's exemplary role; waste; economy and employment; taxation; financing; and energy supply and production (Brussels Hoofdstedelijk Gewest, 2009a).

A second observation is the overall lack of ambitious goals. Even in Wallonia, where reduction targets are now legally fixed, those have not been crystallised into specific mitigation policies yet. Even if the Kyoto targets are reached, aided by the economic crisis and the use of flexible mechanisms, those targets can hardly be labelled as very ambitious. The lack of ambition reveals a low political will for climate change among the Belgian political elite to reduce emissions domestically. But in addition to a low political will, this paper argues that Belgian federalism is also to blame. Indeed, the system allows - or sometimes even encourages -governments to shift their responsibilities upon each other. A central adage in the Flemish policy discourse since 2004 is that Flanders should not bear unreasonable burdens with regard to emission reductions (De Mulder, 2005; Vlaamse Overheid, 2006: 34), pointing towards the energy-intensive Flemish industry and the possibility of other Regions to reduce emissions more efficiently. Moreover, the first Flemish climate policy plan indicated that the stabilisation goal could only be reached when certain policies were enacted at the federal level (Ministerie van de Vlaamse Gemeenschap, 2003: 11). The Walloon plans very frequently point towards measures that should actually be taken at the federal level, because of the federal competences in certain areas. In Brussels, the climate policy is very careful not to hinder the capital's remaining industry, and it is quick to stress that many of its environmental problems are actually due to inhabitants of Flanders and Wallonia who commute to Brussels. The federal level engages in such 'externalisation' of responsibilities too, as it is completely breaking off its climate measures under the denominator of the next state reform (see below). The Belgian system, where all competences are exclusively yet very incoherently divided among levels of government, facilitates the governments' tendencies to point towards each other to take action on such a complex domain as climate change where their own political ambitions are low.

The manifest lack of a long-term vision on climate policy in Belgium is an obvious third observation. Due to the prolonged political crisis that followed the 2010 federal elections, all intergovernmental negotiations that require political bargaining were frozen. Without those negotiations, it was impossible to come to an agreement on how international commitments that encompass the two levels of government will be arranged, in this case the Belgian reduction targets under the EU effort sharing deal. In the case of climate change, where external obligations are the number one leverage for the Belgian entities to act, in absence of a proactive political engagement, the lack of clarity with regard to those targets had seriously delayed the Regions' ability to prepare their new plans, and to take political decisions for them. Recent developments in Flanders and Wallonia occasioned a remarkable precedent when, in continuous absence of a burden-sharing agreement, the two biggest Regions adopted 'unilateral' targets (with a legal basis in the case of Wallonia), thereby limiting the scope of a future burden sharing agreement to a strict minimum. While it is unclear how those moves influence climate policy-making in Belgium in the future, it is clear that the long stalemate and political difficulties at the federal level seriously hindered the crystallisation of a long-term vision on climate policy at all levels of government.

5 | An institutional framework conducive to policy failures

There is a strong tendency in the literature to stress the opportunities that multi-level governance can offer, such as the role of subnational entities as laboratories of experimentation or as propellers of bottom-up innovation (see also Jörgensen, 2012; Osborne, 1988). Despite that inherent optimism, however, multi-level systems can also engender specific problems. When it comes to policy-making, those problems can be referred to as 'policy failures'. Maesschalck and Van De Walle (2006) argue that the Belgian system, because of its dual character, is conducive to policy failures, for instance when policy-making on one side of the language border happens without knowledge of what the other side is doing, or when federal and subnational policies contradict each other. In the area of climate change, I identified policy failures on four different levels: subnational, federal, national and international.

At the subnational level, the previous section has already pointed towards the problems that are associated with the climate policies of the Regions. They refer to the lack of ambition and the inability to come to a long-term vision. While the former is predominantly due to a low political will on the part of political elites, both problems are strengthened by the dynamics inherent to the Belgian system.

This paper did not focus on the climate policy of the federal government, but several policy failures can be identified there too. The federal climate policy, in a nutshell, consists on the one hand of a series of policy measures in the areas of offshore wind energy and rail transport, in the promotion of biofuels (through the setting of product norms) and in stimulating taxation measures to reduce energy consumption and transportation. The range of those measures is a perfect reflection of the few competences that the federal government still holds in areas related to climate change. On the other hand, in accordance with the intra-Belgian burden sharing agreement of 2004, the federal government was expected to buy a certain amount of credits through flexible mechanisms. Both aspects of the federal policy, however, display major shortcomings. First, the measures taken at the federal level have not at all been implemented as foreseen, and as for those that have been taken, it is impossible to verify whether emission reductions are actually attributable to them (Cour des comptes, 2009). Second, the federal policy regarding flexible mechanisms is flawed in comparison to neighbouring countries, because of its late start as a consequence of the lengthy intergovernmental negotiations (see Conix, 2009). Moreover, the federal purchase of credits was frozen after the 2010 federal elections. As is the case for the subnational policies, the complexities of the Belgian system have prevented the federal climate policy to have a long-term vision.

Policy failures at the national level refer to the difficulties of reaching intergovernmental agreements that encompass both the subnational and the federal governments. Because of the specific characteristics of intergovernmental relations in Belgium - which happens between equal partners, without any leverage besides voluntary cooperation, and the outcome of which sometimes has to be ratified by six parliaments - progress is extremely slow, even in the absence of conflicts. That slowness resulted in a very belated intra-Belgian burden sharing agreement of the Kyoto targets, and in the fact that there is still no burden sharing agreement on the EU's 20-20-20 targets. The impact on climate policy-making and on launching an efficient policy regarding flexible mechanisms was illustrated above. Because of the complex ratification procedure by six parliaments, Belgium was also

brought before the European Court of Justice in 2005, for not transposing in time the EU Emissions Trading Directive.

The national difficulties become visible when Belgium acts at the international level too. Because of the *in foro interno, in foro externo* principle, the federal government cannot represent Belgium when subnational competences are at stake, which necessitates complex coordination procedures to agree on a Belgian position and representation in international settings (Happaerts *et al.,* 2012). Since a number of years, ideological differences in those intergovernmental procedures have occasionally prevented Belgium from adopting a position and speaking with a uniform voice at the international level. In that sense, action on climate change has become a divisive issue between Flanders (with a Conservative Environment Minister) and the other governments, where until 2011 the Environment portfolio was held by a Socialist (federal) or a Green Minister (Wallonia and Brussels). For instance, at the COP in Copenhagen, Belgium (represented by four Environment Ministers) was unable to adopt a formal position when some EU member states wanted to turn the EU's conditional offer of 30% reductions into an unconditional one (see footnote 5). The Flemish Minister opposed the proposal, while her three counterparts were in favour of it. In the absence of a consensus, Belgium was forced to support the status quo.[11] Furthermore, even when positions are taken, the Belgian federal system often prevents them from being implemented. At Copenhagen, Prime Minister Leterme, much to the dissatisfaction of the Regions, pledged that Belgium (*i.e.* the federal and the Regional governments) would contribute 150 million EUR to the 'fast start' funding, which was created during the COP to achieve a rapid transfer of 30 billion USD to developing countries by 2012 (Fast Start Finance, 2011). The negotiations to come to a distribution formula for that amount took place in the same setting as the talks on a burden sharing agreement, and thus also came to a standstill after the June 2010 elections. The federal government already offered 40 million EUR out of its ODA budget. Wallonia, again spurred by the Green coalition partner, committed about 2 million EUR in 2010 and 4.2 million EUR in 2011 (Wallonie, 2012b). It is unclear, however, whether and how the total amount pledged by Belgium will be raised. Federal government officials have urged the other governments to contribute, but there are no other leverages to force them to do so.

The observation of multiple policy failures underscores that Belgium is a crucial case in contradicting much of the literature's tendency to emphasize the innovative potential decentralised systems to support the design and implementation of ambitious subnational climate policies.

11 That issue now generates less confrontation within Belgium. In March 2011, a resolution was proposed in the federal parliament to support a 30% reduction target within the EU, but it was not endorsed by the Christian Democrats nor by the Walloon Socialists (Kamer, 2011). Nevertheless, a few months later they both agreed that the same goal was introduced in the federal coalition agreement of December 2011, although it remains silent on the reduction efforts within Belgium (Belgian Federal Government, 2011: 125). In March 2012, moreover, the Flemish Environment Minister (of the Christian Democrats) declared publicly that Flanders would commit to a 30% reduction target. The Minister's declaration was followed by a resolution in the Flemish Parliament (adopted by all parties except the extreme-right) that urges the Flemish government to support a 30% target within the EU.

6 | The near future of climate governance in Belgium

Before concluding, it is interesting to look ahead at the near future of climate governance in Belgium, in light of recent developments. In December 2011, the installation of the new federal government coalition led by Walloon Socialist Elio Di Rupo marked the end of the longest government formation in contemporary world history. It will also mark a new period of Belgian climate governance: one in which the federal government's role will be reduced to a strict minimum. That has two reasons. On the one hand, the coalition was formed in the context of a severe economic crisis and a European sovereign debt crisis which had serious consequences for Belgium, and which pushed the coalition towards very stringent fiscal efforts to reduce its budget deficit. On the other hand, the coalition agreement was accompanied by an institutional agreement for a new Belgian state reform, which will shift a number of competences and responsibilities to the subnational level. Those include some taxation instruments, such as tax breaks for energy-saving investments. Under the denominator of the state reform, but also pushed by the need for budget cuts, many of the measures that the federal government had previously undertaken for climate change were abruptly abolished by the coalition agreement, and after the state reform they will become impossible for the federal government to pursue. That shifts the core of Belgian climate governance even more to the Regions.[12] To underscore that evolution, the federal Environment, Energy and Transport portfolios are now no longer held by a Minister, but by a lower-ranked State Secretary.

As a consequence of those dynamics, I not only envisage that the federal climate policy will be reduced to a minimum, but also that the federal government will commit to very little or no emission reductions in a post-2012 agreement. The traditional Belgian compromises that make the federal government 'pay the bill' will be much harder to conclude. On the other hand, it is expected that the federal government's coordination role with regard to European and global decision-making will be maintained. Because of the traditional 'gate-keeping' role of federal institutions, which continue to be the main contact point for international organisations, federal officials tend to take up and retain those coordination roles (see also Van den Brande, 2012b: 392-393).

12 Although Flanders was always a supporter of shifting those competences to the subnational level, the current economic crisis and the fact that the state reform has not yet been transposed into law, prevent the Flemish government from continuing to support all those energy-saving measures. In the meantime, it decided to give subsidies to replace two of the abolished federal tax breaks, *i.e.* for the installation of solar water heaters and the replacement of windows (Vlaamse Regering, 2012).

7 | Conclusion

The analysis revealed that the Belgian subnational governments do not experiment with innovative climate policies, and that climate governance in general is not well advanced in Belgium. Even the policy initiatives that have been taken, are not aimed at fundamental changes that are needed to achieve the transition towards a low-carbon society, which is illustrated by the frequent recurrence to flexible mechanisms at the expense of domestic reduction measures. It is concluded that the Belgian subnational governments, although they have multiple assets to conduct ambitious and innovative policies, are no laboratories of experimentation for climate change. The reason is to a large extent found in their institutional embedding, more specifically in the very complex multi-level architecture in Belgium. Two dynamics in particular prevent policy innovation for climate change.

First, although it is not considered a political priority, climate change is a very sensitive political issue, also in Belgium. The reason is that it touches upon core issues such as the organisation of the regional economy, the future of the industry, transport, energy, *etc.* In such domains very often ideological confrontations arise, for instance between centre-right and centre-left parties, and those can turn into intergovernmental conflicts when governments are ruled by asymmetrical coalitions. Negotiations on climate measures are then easily blocked before elections and during periods of coalition formation. The political sensitivity of climate change in Belgium is illustrated by the fact that the Deliberation Committee had to intervene to strike a deal in 2004, and by the fact that Europeanisation pressures are not strong enough to push the governments towards an agreement. In short, ideological differences in a politically sensitive issue appear to hijack the usual mechanisms of coordination and cooperation of the Belgian system.

Second, the analysis confirmed the multi-level character of climate governance. But in that multi-level structure, this paper only identified top-down dynamics. Action in Belgium is exclusively triggered by EU requirements, which follow from the global negotiations. Within Belgium, the subnational governments adopt a wait-and-see attitude. They take up a very defensive position *vis-à-vis* the commitments that come from higher levels of governance. In the Belgian case, indeed, we see very little examples of bottom-up policy innovation for climate change. It demonstrates that subnational policy-making autonomy in a multi-level setting not only offers opportunities for environmental governance, but that it can also have a limiting effect. The Belgian context gives each government a set of reasons that motivate why more efforts should actually be done by the other partners, and it entails no leverages to force the subnational governments into a more ambitious role. In such a setting, when there is little political will to take action on an issue, the potential opportunities for experimentation are not put into effect. Belgian climate governance is thus characterised by inertia, both domestically as well as on the international stage.

On the basis of those findings, it is concluded that status quo policies are favoured when politically sensitive issues generate ideological face-offs in a multi-level setting. It needs to be emphasized that not all problems can be explained by the specific Belgian multi-level architecture alone. The core problem, of course, is the lack of political will of the Belgian political elite to take an ambitious stance in climate governance. But the analysis in this paper demonstrates how the complex multi-level architecture actually allows them to maintain those low ambitions, and how it can even strengthen that tendency. Nevertheless, recent developments in Wallonia indicate that the limiting effects and inertia of the Belgian system can be breached when a willing political actor comes forward. The formulation of the new Walloon climate plan will point out whether those dynamics can

counter the conclusions outlined here, and come forward with ambitious policy measures. As for now, no ambitious climate policies have been adopted in Belgium for the post-2012 period.

The analysis of subnational climate policies in Belgium should be regarded as a critical case in multi-level climate governance, both in Western democracies as well as in newly industrializing countries. It shows how a multi-level system, besides offering multiple opportunities to subnational governments, can also have a inhibiting effect and be conducive to policy failures. It indicates a need to avoid blind optimism with respect to multi-level solutions, and urges both scholars and policy-makers to consider other and additional ways to deal with climate change in a complex political landscape.

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